

Chapter 1

Executive Order 01.01.2023.02

Reorganization of State Government – The Department of Service and Civic Innovation

Submitted to the President of the Senate and the Speaker of the House of Delegates of Maryland

Date: January 19, 2023

**AN EXECUTIVE ORDER PURSUANT TO ARTICLE II, SECTION 24 OF THE
CONSTITUTION OF MARYLAND**

AN EXECUTIVE ORDER concerning:

Reorganization of State Government – The Department of Service and Civic Innovation

FOR the purpose of establishing the Department of Service and Civic Innovation and assigning the units of the Governor’s Office on Service and Volunteerism, the Governor’s Commission on Service and Volunteerism, and Maryland Corps to the Department of Service and Civic Innovation; requiring the Department of Service and Civic Innovation to perform certain duties; establishing the role of Secretary of Service; and generally relating to reorganization of the government.

BY repealing and reenacting, with amendments,

Article – Education
Section 15–106.9(b)
Annotated Code of Maryland
(2022 Replacement Volume)

BY repealing and reenacting with amendments,

Article – State Government
Section 8–201
Annotated Code of Maryland
(2021 Replacement Volume and 2022 Supplement)

BY adding to

Article – State Government
Section 9–2801 through 9–2808 to be under the new subtitle “Subtitle 28.
Department of Service and Civic Innovation”
Annotated Code of Maryland
(2021 Replacement Volume and 2022 Supplement)

BY transferring

Article – Education

Section 24–1101 through 24–1110, respectively, and the subtitle “Subtitle 11. Maryland Corps Program”

Annotated Code of Maryland
(2022 Replacement Volume)

to be

Article – State Government

Section 9–2811 through 9–2821, respectively, and the part “Part II. Maryland Corps Program”

Annotated Code of Maryland
(2021 Replacement Volume and 2022 Supplement)

BY renumbering

Article – State Government

Section 9.5–201 through 9.5–206, respectively, and the subtitle “Subtitle 2. Governor’s Office on Service and Volunteerism”

to be Section 9–2824 through Section 9–2829, respectively, and the part “Part III. Governor’s Office on Service and Volunteerism”

Annotated Code of Maryland
(2021 Replacement Volume and 2022 Supplement)

Preamble

WHEREAS, Marylanders of all backgrounds can improve and empower their communities and become empowered through service;

WHEREAS, service can help provide future community leadership and build a stronger sense of community and service throughout the State of Maryland;

WHEREAS, the rising costs of postsecondary education are putting higher education out of reach for an increasing number Marylanders;

WHEREAS, service can create new opportunities for students to access good jobs and develop professional skills;

WHEREAS, nonprofit organizations, local governments, State Government, and Federal Government already support a variety of service programs that deliver needed services in a cost–effective manner; now, therefore,

SECTION 1. BE IT ORDERED BY THE GOVERNOR OF MARYLAND, PURSUANT TO ARTICLE II, SECTION 24 OF THE CONSTITUTION OF MARYLAND, That the laws of Maryland read as follows:

Article – Education

15–106.9.

(b) For in-State tuition purposes, a public senior higher education institution shall waive the in-State residency requirement for an individual who has completed:

(1) All service hours for an AmeriCorps Program in the State; or

(2) A service program under the Maryland Corps Program under [Title 24, Subtitle 11 of this] **TITLE 9, SUBTITLE 28 OF THE STATE GOVERNMENT** article.

Article – State Government

8–201.

(a) The Executive Branch of the State government shall have not more than 21 principal departments, each of which shall embrace a broad, functional area of that Branch.

(b) The principal departments of the Executive Branch of the State government are:

(1) Aging;

(2) Agriculture;

(3) Budget and Management;

(4) Commerce;

(5) Disabilities;

(6) Emergency Management;

(7) the Environment;

(8) General Services;

(9) Health;

(10) Housing and Community Development;

(11) Human Services;

(12) Information Technology;

(13) Juvenile Services;

(14) Labor;

- (15) Natural Resources;
- (16) Planning;
- (17) Public Safety and Correctional Services;
- (18) SERVICE AND CIVIC INNOVATION;**
- [(18)] **(19)** State Police;
- [(19)] **(20)** Transportation; and
- [(20)] **(21)** Veterans Affairs.

Title 9. Miscellaneous Agencies.

SUBTITLE 28. DEPARTMENT OF SERVICE AND CIVIC INNOVATION.

PART I. GENERAL PROVISIONS.

9–2801.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) “DEPARTMENT” MEANS THE DEPARTMENT OF SERVICE AND INNOVATION.

(C) “SECRETARY” MEANS THE SECRETARY OF SERVICE AND INNOVATION.

9–2802.

(A) THERE IS A DEPARTMENT OF SERVICE AND CIVIC INNOVATION.

(B) THE PURPOSE OF THE DEPARTMENT IS TO PROMOTE SERVICE AND VOLUNTEERISM IN THE STATE.

9–2803.

(A) THE SECRETARY OF SERVICE AND CIVIC INNOVATION SHALL BE APPOINTED BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE.

(B) THE SECRETARY IS THE HEAD OF THE DEPARTMENT AND A MEMBER OF THE GOVERNOR'S EXECUTIVE COUNCIL.

(C) THE SECRETARY SHALL TAKE THE OATH REQUIRED BY ARTICLE I, § 9 OF THE CONSTITUTION BEFORE TAKING OFFICE.

9-2804.

(A) THE SECRETARY SERVES AT THE PLEASURE OF THE GOVERNOR AND IS RESPONSIBLE DIRECTLY TO THE GOVERNOR.

(B) THE SECRETARY SHALL ADVISE THE GOVERNOR ON ALL MATTERS ASSIGNED TO THE DEPARTMENT AND IS RESPONSIBLE FOR CARRYING OUT THE GOVERNOR'S POLICIES ON THOSE MATTERS.

(C) THE SECRETARY IS RESPONSIBLE FOR THE OPERATION OF THE DEPARTMENT AND SHALL ESTABLISH GUIDELINES AND PROCEDURES TO PROMOTE THE ORDERLY AND EFFICIENT OPERATION OF THE DEPARTMENT.

(D) THE SECRETARY MAY ESTABLISH, REORGANIZE, OR ABOLISH AREAS OF RESPONSIBILITY IN THE DEPARTMENT AS NECESSARY TO FULFILL THE DUTIES ASSIGNED TO THE SECRETARY.

(E) THE SECRETARY IS ENTITLED TO THE COMPENSATION PROVIDED IN THE STATE BUDGET.

9-2805.

(A) THE SECRETARY SHALL:

(1) PROMOTE SERVICE AND VOLUNTEERISM IN THE STATE BY PARTNERING WITH THE FEDERAL GOVERNMENT, LOCAL GOVERNMENTS, AND NONGOVERNMENTAL ENTITIES TO FULFILL THE PURPOSES OF THIS SUBTITLE; AND

(2) IDENTIFY AND EXPAND INITIATIVES TO INCREASE SERVICE AND VOLUNTEERISM IN THE STATE TO CREATE OPPORTUNITIES AND STRENGTHEN COMMUNITIES.

(B) THE SECRETARY MAY ADOPT REGULATIONS TO CARRY OUT THE PROVISIONS OF LAW THAT ARE WITHIN THE JURISDICTION OF THE SECRETARY.

9-2806.

THE DEPARTMENT SHALL:

(1) PROMOTE THE USE OF VOLUNTEERS IN STATE AND LOCAL GOVERNMENT, BUSINESSES, AND NONPROFIT ENTITIES;

(2) COORDINATE AND OVERSEE THE ACTIVITIES OF THE MARYLAND CORPS PROGRAM, GOVERNOR'S COMMISSION ON SERVICE AND VOLUNTEERISM AND GOVERNOR'S OFFICE ON SERVICE AND VOLUNTEERISM;

(3) DEVELOP MODEL PROGRAMS FOR STATEWIDE CLEARINGHOUSE, SKILL BANKS, OR INFORMATION CENTERS FOR VOLUNTEERS AND PROJECTS IN THE STATE AND IMPLEMENT SUCH PROGRAMS;

(4) PLAN AND EXECUTE VOLUNTEER RECOGNITION EVENTS FOR STATE VOLUNTEERS AND PROVIDE TECHNICAL ASSISTANCE AND SUPPORT FOR RECOGNITION EVENTS IN THE PRIVATE SECTION IN ORDER TO INCREASE THE VISIBILITY AND STATUS OF VOLUNTEERS AND THEIR ACCOMPLISHMENTS;

(5) ADMINISTER THE MARYLAND SERVICE CORPS PROGRAM, THE EXECUTIVE FELLOWS PROGRAM, AND OTHER VOLUNTEER PROGRAMS AS MAY BE RECOMMENDED BY OR DESIGNATED BY THE GOVERNOR OR OTHERWISE PROVIDED BY LAW;

(6) MAINTAIN LIAISON WITH NATIONAL AND STATE VOLUNTEERISM GROUPS TO OBTAIN INFORMATION ON FEDERAL, STATE, AND PRIVATE RESOURCES THAT MAY ENHANCE VOLUNTEER PROJECTS WITHIN THE STATE;

(7) CONDUCT STUDIES AND MAKE RECOMMENDATIONS TO IMPROVE VOLUNTEER RECRUITMENT AND TRAINING, VOLUNTEER RETENTION, AND ACCOUNTABILITY OF VOLUNTEER PROGRAMS; AND

(8) PROVIDE STAFF SUPPORT TO THE GOVERNOR'S VOLUNTEER COUNCIL.

9-2807.

(A) THE ATTORNEY GENERAL IS THE LEGAL ADVISER TO THE DEPARTMENT.

(B) THE ATTORNEY GENERAL SHALL ASSIGN TO THE DEPARTMENT THE NUMBER OF ASSISTANT ATTORNEYS GENERAL THAT ARE AUTHORIZED BY LAW.

9-2808.

ON OR BEFORE DECEMBER 1 OF EACH YEAR, THE SECRETARY SHALL REPORT TO THE GOVERNOR, AND IN ACCORDANCE WITH 2-1257 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY ON THE ACTIVITIES OF THE DEPARTMENT.

9-2809. RESERVED.

9-2810. RESERVED.

SECTION 2. AND BE IT FURTHER ORDERED, That Section(s) 24-1101 through 24-1110, respectively, and the subtitle “Subtitle 11. Maryland Corps Program” of Article – Education of the Annotated Code of Maryland be transferred to be Section(s) 9-2811 through 9-2821, respectively, and the part “Part II. Maryland Corps Program” of Article – State Government of the Annotated Code of Maryland.

SECTION 3. AND BE IT FURTHER ORDERED, That Section(s) 9.5-201 through 9.5-206, respectively, and the subtitle “Subtitle 2. Governor’s Office on Service and Volunteerism” of Article—State Government of the Annotated Code of Maryland be renumbered to be Section(s) 9-2824 through 9-2829, respectively, and the part “Part III. Governor’s Office of Service and Volunteerism”.

SECTION 4. AND BE IT FURTHER ORDERED, That Section(s) 9.5-204(5) through 9.5-204(10) of Article – State Government of the Annotated Code of Maryland be repealed.

SECTION 5. AND BE IT FURTHER ORDERED, That all persons who, as of the effective date of this Order, are employed in the Maryland Corps Program or the Governor’s Office of Service and Volunteerism are hereby transferred to the Department of Service and Civic Innovation without any change or loss of rights or status, and shall retain their merit system and retirement system status.

SECTION 6. AND BE IT FURTHER ORDERED, That any transaction affected by or arising from any statute here amended, repealed, or transferred, and validly entered into before the effective date of this Order and every right, duty, or interest flowing from it remains valid after the effective date and may be terminated, completed, consummated, or enforced pursuant to law.

SECTION 7. AND BE IT FURTHER ORDERED, That all rules and regulations, proposed rules and regulations, standards and guidelines, proposed standards and guidelines, orders and other directives, forms, plans, memberships, special funds, appropriations, grants, applications for grants, contracts, property, investigations, administrative and judicial proceedings, rights to sue and be sued, and all other duties and responsibilities associated with those functions transferred by this Order shall continue in effect under the Maryland Corps Program and the Governor’s Office of Service and Volunteerism upon transfer to the Department of Service and Civic Innovation.

SECTION 8. AND BE IT FURTHER ORDERED, That any unexpended appropriation for the purpose of financing the Maryland Corps Program or the Governor's Office of Service and Volunteerism shall be transferred by approved budget amendment to the Department of Service and Civic Innovation.

SECTION 9. AND BE IT FURTHER ORDERED, that the publisher of the Annotated Code of Maryland, in consultation with and subject to the approval of the Department of Legislative Services, shall correct, with no further action required by the General Assembly, cross-references and terminology rendered incorrect by this Executive Order. The publisher shall adequately describe any correction that is made in an editor's note following the section affected.

SECTION 10. AND BE IT FURTHER ORDERED, that the provisions of this Order shall in no way diminish or infringe any rights, responsibilities, power or duties conferred by the Constitution of the State of Maryland and the Annotated Code of Maryland.

SECTION 11. AND BE IT FURTHER ORDERED, That this executive order shall become effective and have the force of law on the 19th day of January, 2023, unless specifically disapproved within 50 days after submission by a resolution of disapproval concurred in by a majority vote of all members of either House of the General Assembly.

GIVEN under my Hand and the Great Seal of Maryland, in the City of Annapolis, this 19th day of January, 2023.

Wes Moore
Governor of Maryland

ATTEST:

Susan C. Lee
Acting Secretary of State

Executive Order effective March 11, 2023, in accordance with Article II, Section 24 of the Maryland Constitution.